

of the claim of such lienholder upon such products, said constructive notice to be given by record of such claim, as provided for in this law, or by suit filed."

SEC. 3. The fact that the present law discriminates between employees of hotels and restaurants, and that employees in restaurants are not protected by lien for wages under present statute, and the importance of this legislation, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and said Rule is hereby suspended, and this Act shall be in force and take effect from and after its passage, and it is so enacted.

[NOTE.—S. B. No. 164 passed the Senate, March 23, 1937, by a vote of 28 yeas, 0 nays; passed the House, with amendments, May 6, 1937, by a vote of 111 yeas, 0 nays; Senate refused to concur in House amendments, May 13, 1937, and Conference Committee appointed; Senate adopted report of Conference Committee, May 14, 1937, by a vote of 29 yeas, 0 nays; House adopted Conference Committee report, May 17, 1937, by a vote of 111 yeas, 0 nays.]

Approved June 9, 1937.
Effective June 9, 1937.

RURAL AID AND EQUALIZATION FUND APPROPRIATION.

S. B. No. 185.] CHAPTER 474.

An Act appropriating Five Million Five Hundred Thousand (\$5,500,000.00) Dollars per year, or so much thereof as may be necessary for the next biennium beginning September 1, 1938, and ending August 31, 1939, for the purpose of promoting public school interest and equalizing the educational opportunities afforded by the State to all children of scholastic age within the State, including specified amounts to match Federal Funds appropriated for the purpose of conducting work in Vocational Agriculture, Home Economics, Trades and Industries, General Rehabilitation and Rehabilitation for Crippled and Defective Children, attaching conditions, regulations and limitations relative thereto; making various allocations of said appropriation, setting forth the benefits thereof; authorizing aid to such schools in accordance with the conditions specified herein; providing for the maintenance for a certain length of term of all schools meeting the requirements of this Act; providing for the payment each year of the biennium of high school tuition for rural school pupils according to the provisions of House Bill No. 158, General Laws, Regular Session Forty-fourth Legislature, as amended; providing high school tuition for pupils in consolidated or rural high school districts composed of not less than three (3) original districts; providing for the payment of Transportation Aid under certain conditions; specifying the penalties for violation of any provision of this Act; declaring it to be unlawful for any agent or employee of the State to violate any provision of this Act, and prescribing the punishment therefor; providing all costs of

administering funds named in this Act shall be paid out of moneys appropriated in this Act under authority of the State Superintendent of Public Instruction under the direction of the State Board of Education; authorizing the State Superintendent of Public Instruction, under the direction of the State Board of Education, to administer the funds appropriated herein; authorizing the State Board of Education or its agent to receive donations and gifts and to place same in the State Treasury of Texas in a special fund to be used under the provisions of the Vocational Rehabilitation Act; providing purposes for which funds appropriated hereunder may be used; defining powers of the State Board of Education and the State Superintendent of Public Instruction; providing for the method and manner of appointing certain employees; providing for application for aid; making certain exceptions for counties with less than one thousand four hundred (1,400) scholastics, districts of more than forty-eight (48) square miles, districts of more than one hundred (100) square miles with a certain number of high schools contained therein; providing for transfer of entire districts under certain conditions; defining the manner of payments and disbursements of all moneys granted under the provisions of this Act; enacting other provisions necessary and incidental to the provisions of this Act, providing the State shall not be pledged nor obligations incurred against the Rural Aid Fund in any one year in excess of amount appropriated and fixing a penalty providing for the qualifications of teachers in schools receiving State Aid and making certain exemptions; providing no financial aid shall be withheld because of deficiency in certificates held by teachers in a school unless such deficiency is covered by a rule or regulation expressly provided by Statute of the State of Texas; providing that the tax provisions and other inhibitions provided in said bill shall not apply to school attended by Alabama Indians in Polk County and certain other exceptions; declaring the rule in event any provision of this Act is unconstitutional or invalid; repealing all laws and parts of laws in conflict herewith and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. (Appropriation.) For the purpose of promoting public school interest and equalizing the educational opportunities afforded by the State to all children of scholastic age within the State, including sufficient funds to match Federal Funds appropriated for the purpose of conducting Vocational Agriculture, Home Economics, Trades and Industries, General Rehabilitation and Rehabilitation for Crippled Children, there is hereby appropriated out of the General Revenue Fund, Five Million Five Hundred Thousand (\$5,500,000.00) Dollars, or so much thereof as may be necessary, for the school year ending August 31, 1938, and Five Million Five Hundred Thousand (\$5,500,000.00) Dollars, or so much thereof as may be necessary, for the school year ending August 31, 1939, to be allotted and expended by the State Superintendent under the direction of the State Board of Education; provided that any unexpended balance occurring at the end of the year, 1938, in any allocation may be transferred and added to the appropriation for the year ending August 31, 1939.

SEC. 2. Scholastic Population of the District. State Aid under the provisions of this Act shall be distributed in such a way as to assist all school districts of not fewer than twenty (20) scholastics and not more than five hundred (500) scholastics,

located in district and consolidated and/or rural high school districts which have an average of not more than two hundred (200) scholastics of each original district composing the consolidated and/or rural high school districts unit, and all districts composed of entire counties having a scholastic population of less than five thousand (5,000); provided that the provisions of this section shall not apply to any school district containing forty-eight (48) square miles of territory or more; provided that schools in sparsely settled counties may be exempt from the minimum restrictions of twenty (20) scholastics; provided that in such cases the district applying for aid shall be levying and collecting the limit of local tax support as provided by general law. Sparsely settled counties shall be defined as those having less than one thousand four hundred (1,400) scholastic population in the common school districts. It is expressly understood that the provisions and limitations of this section and other sections in this Act do not apply to vocational aid, tuition aid, and aid for crippled children.

SEC. 3. Distance Between Schools. No aid shall be granted to any school under the provisions of this Act which is located within two and one-half ($2\frac{1}{2}$) miles of another school of the same race, unless on account of the condition of the roads and other physical features it is unreasonable and impracticable for the pupils to attend another school; provided that this restriction shall not apply to elementary schools in a consolidated and/or rural high school district nor to any district which at some previous election has voted to remove such conditions by consolidation.

SEC. 4. Teacher-Pupil Load. State aid under provisions of this Act shall be allotted upon the basis of one teacher for any number of scholastics from twenty (20) to thirty-five (35) and one (1) additional teacher for each additional thirty (30) scholastics, or fractional part thereof, residing in the district. It is expressly provided that in the event pupils are transferred into the district the excess fractional part thereof shall not be less than two (2) scholastics. The basis for calculation shall be the net scholastic enumeration of white or colored race, as the case may be, including the transfers into the district, and excluding the transfers out of the district for the current year and there shall be deducted all scholastics who have completed the course of study in their home school, as authorized by the County Board of Trustees, provided that in unusual or extraordinary conditions of actual enrollment, an adjustment as to the number of teachers may be made by the State Superintendent, with the approval of the State Board of Education.

SEC. 5. Average Daily Attendance. No school shall be granted aid under the provisions of this Act whose average daily attendance is less than sixty-five per cent (65%) of the scholastic census enrollment for either white or colored school. Provided, the provisions of this Act shall not apply to any school where

there is any kind of epidemic of sickness. Districts where parochial schools are maintained are exempt from the provisions of this Section.

SEC. 6. Tax Levy. No school district shall be eligible to receive aid under the provisions of this Act unless it shall be providing for the annual support of its schools by voting, levying, and collecting for the current year a local maintenance school tax, exclusive of the tax for interest and sinking fund for bonds, of not less than Fifty (50¢) Cents on the One Hundred (\$100.00) Dollars, of property valuation in the entire district, or not less than Seventy-five (75¢) Cents, inclusive of the tax for interest and sinking fund for bonds for the year ending of August 31, 1938; and providing further, that the property valuation shall not be less than said property is valued for State and county purposes. Any school district which shall after October 1, 1937, reduce its existing property assesment and/or existing tax rates, thereby enabling it to participate under this Act, shall not be eligible to receive aid from any of the funds herein provided; providing further that for the year ending August 31, 1939, no district shall receive aid unless it shall be levying and collecting local maintenance tax of not less than Fifty (50¢) Cents on the One Hundred (\$100.00) Dollars valuation and provided further, that Fifty (50¢) Cents maintenance tax, shall apply to sending districts.

SEC. 7. Provided the State Superintendent shall take into consideration, in fixing allowances to school districts, any loss sustained by said district by reason of the Federal Government buying lands for National forests, and by reason of the location in said districts of University Lands, and the State Superintendent shall be authorized to make allocations to said districts by virtue of losses sustained by said district by reason of Federal purchase of lands, the amounts to be fixed by the State Superintendent based upon existing facts and circumstances applicable to all other school districts.

SEC. 8. Salary Schedule. No part of the aid herein provided shall be used for increasing the monthly salary of any teacher, but funds provided for in this Act shall be used for the exclusive purpose of extending the length of the school term of the schools situated in the district receiving such aid on the basis of a schedule of teachers' salaries to be determined by the State Superintendent of Public Instruction with the approval of the State Board of Education, provided, however, that said agencies shall allow an increase of not more than twenty (20%) per cent for salaries less than One Hundred (\$100.00) Dollars per month allowed in schedules heretofore adopted and may allow not more than fifteen (15%) per cent increase on salary schedules in excess of One Hundred (\$100.00) Dollars per month allowed for the last preceding year. However, the basic pay in no event shall be less than Eighty-five (\$85.00) Dollars per month on eight months basis.

SEC. 9. Length of Term. All schools of the unaffiliated class receiving aid shall provide a term of approximately eight months. These schools shall be so classified by the County Board so as to provide as nearly as possible an eight (8) months term out of State, county, and local funds. Should there not be sufficient funds to maintain the schools as herein stated, then aid may be granted subject to the other provisions of this Act. Should any school district eligible to receive aid under the provisions of this Act maintain a salary schedule in excess of the salary schedule as determined by the State Superintendent with the approval of the State Board of Education, the amount of aid received by such school district shall be reduced by the amount of such excess.

Nothing in this Act shall be construed as forcing the consolidation of any schools, nor shall any aid be withheld from any school for its failure to consolidate.

SEC. 10. High School Tuition. It is hereby expressly provided that a sufficient amount of funds appropriated by this Act shall be used for the payment of high school tuition not to exceed Seven and 50/100 (\$7.50) Dollars per pupil per month. High School tuition shall be paid according to the provisions of House Bill No. 158, General Laws, Regular Session, Forty-fourth Legislature, and subject to the limitation and restriction provided in Section 6 of this Act imposing tax obligations on sending district. Providing that the provisions of this Section shall not apply to granting of aid under terms of this Section for vocational education or crippled children. It is further provided that high school tuition aid, as above set out, shall be granted for pupils transferred to outside high schools from the Waco State Home at Waco, and from the Alabama and Coushatti Indian Reservation near Livingston; provided the aid so granted shall not exceed the per capita tuition charged other schools' transferred high school pupils by the high schools affected hereby.

SEC. 11. Transportation Aid. The County Superintendents and County School Board are hereby authorized to set up a system of transportation for the purpose of transporting high school pupils from their districts, to the nearest convenient accredited high school. The expense of such transportation shall be paid out of the funds hereby provided, not to exceed Two (\$2.00) Dollars per pupil per month. Provided, further, that in districts composing an entire county, high school transportation aid as authorized in this Section may be granted for the purpose of transporting high school pupils within such districts to the most convenient accredited high school.

It is further provided that the districts through which these buses travel may make provisions with the County Superintendent and the County School Board to have any other children not provided for herein, transported within and between their respective districts, and said district may make application for State aid thereon to an amount not to exceed One (\$1.00) Dollar per month per pupil. Provided, that where regular buses do

not run in sparsely settled sections of counties which are operating under a county unit system, the County School Board and County Superintendent are authorized to make provisions for the transportation of pupils within said districts, and may make application for State aid thereon to an amount not to exceed One (\$1.00) Dollar per month per pupil. Providing that all school districts containing one hundred (100) square miles of territory or more may receive transportation aid of Two (\$2.00) Dollars per month per pupil. And provided further, that like aid of One (\$1.00) Dollar per month per pupil shall be made in respect of transportation in any common school district in which there exists two school plants, one of which is a first class four (4) year high school and which said plants are separated by a distance of not less than two and one-half (2½) miles.

SEC. 12. Penalty Provision. Any district violating any of the provisions of this Act shall forfeit all rights to such aid and may be disqualified to receive any aid of any nature under any section of this Act for the current year. Should any school which would otherwise be eligible to receive aid agree, provide, or contract with teachers to pay a smaller monthly salary during the remainder of the terms following the granting of aid, provided out of local funds, than is paid out of State funds, then such school shall forfeit its rights to receive aid. Provided any census trustee who shall wilfully make any false report in his roll or summary shall forfeit the right of the district he serves to receive any amount of money that may be provided for in this Act.

It is specifically provided herein that the State Board of Education, State Superintendent of Public Instruction, or any agency charged with the responsibility of administering the funds hereby appropriated shall not pledge the State nor incur obligations against said funds in any amount in any one year in excess of the amount herein appropriated, and it is the sense of this Legislature that the amounts herein appropriated shall cover in full all amounts to be spent for the purpose contemplated by this Act for the period covered by this Act. Whoever violates this provision of this Section shall be deemed guilty of a misdemeanor, involving official misconduct, and upon conviction thereof, shall be fined in a sum not less than Two Hundred (\$200.00) Dollars, nor more than One Thousand (\$1,000.00) Dollars, and shall be subject to removal from office.

SEC. 13. All expenditures for costs of administering the various funds named in this Act shall be paid out of the moneys appropriated in this Act and such expenditures shall not exceed the amounts authorized by the general appropriation bill.

It is herein specifically provided that Two Million, Seven Hundred Forty-three thousand Four Hundred nineteen (\$2,743,419.00) Dollars is set aside for teacher aid; One Hundred and Fifty thousand (\$150,000.00) Dollars is specifically set aside for the State program for rehabilitation of Crippled and Defective Children; Eight Hundred Forty-six thousand One

Hundred Ninety-eight (\$846,198.00) Dollars for High School tuition; Nine Hundred Seventy-two thousand Six Hundred Eighty-three (\$972,683.00) Dollars for transportation aid; and Seven Hundred Eighty Seven thousand Eight Hundred (\$787,800.00) Dollars Industrial Aid and to match Federal Funds for vocational agriculture, home economics, Trades and Industries, and general rehabilitation according to the Federal Laws governing Vocational Education. Each of the above named allocations being for each year of the biennium.

Provided that the Department of Vocational Rehabilitation is hereby authorized to receive donations and gifts and place same in the State Treasury of Texas in a special fund to be used under the provisions of the Vocational Rehabilitation Act.

SEC. 14. Powers of State Board of Education and of State Superintendent of Public Instruction. It shall be the duty of the State Board of Education, and it is hereby authorized, to take such action and to make such rules and regulations not inconsistent with the terms of this Act as may be necessary to carry out the provisions and intentions of this Act, and for the best interest of the schools for whose benefit the funds are appropriated. It shall be the duty of the State Superintendent of Public Instruction to appoint the number of inspectors herein-after authorized to make a thorough investigation, in person, of the grounds, building, equipment, teaching staff, and financial condition of each school applying for aid; and no aid shall be given unless it can be shown that all provisions of this Act have been complied with, and that such amount of aid is actually needed. Provided, however, that no regulation of the State Superintendent or the State Board of Education shall conflict with any provision of this bill or any present statute. Provided further, that the State Superintendent of Public Instruction shall appoint not to exceed twenty-four (24) supervisors, four (4) stenographers, one (1) director of Rural Aid, one (1) secretary of Rural Aid, and one (1) director relating to high school supervision. The twenty-four (24) supervisors appointed hereunder shall reside in their respective supervisory districts. The salaries and traveling expense of all such appointees as provided for above in this section shall be paid for out of moneys herein appropriated.

The personnel for administration of vocational education and crippled children shall be appointed by the State Superintendent of Public Instruction. The personnel shall consist of the following:

- 1 State director of vocational agriculture;
- 1 State Supervisor of vocational agriculture;
- 1 Assistant supervisor of vocational agriculture;
- 4 District supervisors of vocational agriculture;
- 1 State director of trades and industries and chairman of division;
- 1 State supervisor of trades and industries

- 4 District supervisors of trades and industries;
- 1 State director of home economics;
- 1 State supervisor of home economics;
- 4 District supervisors of home economics;
- 3 Stenographers for vocational agriculture and trades and industries and home economics division;
Extra stenographic help for vocational agriculture, trades and industries and home economics division;
- 1 Director of vocational rehabilitation;
- 2 Supervisors of rehabilitation;
- 2 Supervisors for crippled children;
- 2 Stenographers;
- 1 Secretary;
- 1 Chief Clerk; other help as authorized in the Departmental Appropriation Bill;
- 1 Janitor for vocational agriculture, trades and industries, and home economics division.

The salaries and travel and other expenses of these appointees as provided for above in this Section shall be paid for out of moneys herein appropriated for vocational education, rehabilitation, crippled children, respectively, and in amounts as passed by the Departmental Appropriation Bill for the biennium ending August 31, 1939.

SEC. 15. Application for Aid. The trustees of the schools authorized in Section 2, of this Act, may send to the State Superintendent, on forms provided by the State Department of Education, a list of the teachers employed in the school, showing the monthly salary, experience and training of each, together with an itemized statement of expected receipts and expenditures, the length of term, and such other information as may be required, and the State Superintendent, under the direction of the State Board of Education, may, subject to the provisions of this Act, grant to the school such an amount of this fund as will, with the State and County Available Funds, together with the local funds, maintain the school for a term not to exceed nine (9) months for affiliated high schools and approximately eight (8) months for unaccredited high schools; provided, that if the school has sufficient State and County Available Funds to maintain the school for an eight (8) months term according to the salary schedule adopted by the State Board of Education, or with its local maintenance tax, to maintain the desired length of term, not to exceed nine (9) months, as provided in Section 2, it shall not be eligible to receive aid; provided further, that the County Superintendent shall approve all contracts with teachers, supervising officers, and bus drivers in all schools before such schools may be eligible to receive aid under any provisions of this Act. Provided, also, that all aid granted out of the funds herein provided shall be allotted only on the basis of need, based upon a proper budgeting of each district asking for any form of aid.

SEC. 15a. The trustees of the schools authorized to apply for Aid may send to the proper authorized authority on forms provided by said authority a list of the teachers employed in the schools showing the monthly salary, experience, and training of each, together with an itemized statement of budgeted receipts and expenditures and such other information as may be required. The application shall be sworn to by the President and Secretary of the board of trustees of each of the schools applying for Aid. The County Superintendent shall approve all contracts with teachers, supervising officers, and bus drivers in all schools applying for Salary, Transportation, Industrial Equipment, Tuition Aid under the provisions of this Act. All Aid granted out of the funds provided shall be allotted only on the basis of need based upon an approved budget of each district asking for any form of Aid, except as otherwise provided in this Act. All applications for Aid, shall be on file with the proper authorized authority not later than October 1 of each year of the biennium, and any school not filing such application before such date of each year shall not be eligible for aid for the current year.

It is provided that no application for Aid shall be approved until all applications filed before October 1 of the current year have been considered; and provided further, each application shall, if the amount of money available is not sufficient to pay all approved applications in full, receive the same proportion of Aid as every other approved application.

It is further provided, that the application for Aid (including high school tuition) for the current year shall not be approved in an amount in excess of the amount of money available during the current year for all types of Aid herein provided for. Even though the application for Aid, on a basis of need shown, exceed the amount of money available during the current year for all types of Aid, then each application shall be proportionately reduced so that the total of all approved applications for the current year will not exceed the amount of money available for said year for all types of Aid.

SEC. 15b. Warrants for all money granted under the provisions of this Act shall be transmitted to treasurers of depositories of school districts to which Aid is granted in the same manner as warrants for State apportionments are now transmitted. The amount of money granted for each type of Aid, except high school tuition, shall be set up as a separate account by the district receiving same and disbursements from said accounts shall be made only for the specific purpose for which the money was granted. If the money in said fund is used for any purpose other than that for which allocated then said district shall not be eligible to receive any type of Aid for the following year. It shall be the duty of all Treasurers of Depositories to make annually, before September 10, of each year, itemized reports under oath to the proper authorized authority of the expenditures of all

money granted under the provisions of this Act. It shall also be the duty of each County School Superintendent, and each secretary of the school board of an independent school district to file with the proper authorized authority, before September 10 of each year, a sworn account detailing the receipts and disbursements of all Rural Aid Funds, with correct cash balance on August 31, verified by the depository clerk. Failure to file such reports will make such district ineligible to receive Aid for the next year. It is provided that all unused balances in Rural Aid Funds in any district on August 31, shall be returned to the proper authorized authority; provided however that the balances herein providing for the return of moneys shall be subject to the obligation of districts holding claims against that fund and subject to re-apportionment of the obligation of the receiving district thereof.

Not later than January 15 of each year, the State inspection of all Rural Aid schools shall be completed. Initial payment by warrant of not more than fifty per cent (50%) of the total amount allotted to any one school shall then be made, and the final payment shall be made on a percentage basis to such school in such a manner that all schools, whose applications for Aid have been approved, will receive the same proportion of Aid. After final payment is made, each district shall by August 31, of each year file with the proper authorized authority a signed receipt acknowledging full payment of their approved claim and/or request. It is provided that any amount set aside for schools not having reached sixty-five per cent (65%) attendance shall be prorated among the schools eligible to receive Aid or final payment.

SEC. 16. Counties with Less Than One Thousand Four Hundred (1,400) Scholastics. It is hereby provided that schools in sparsely settled counties having less than one thousand four hundred (1,400) scholastic population in the common school districts, may be exempt from the minimum restriction of twenty (20) scholastics; provided, that each district applying for aid is levying and collecting the limit of local support as provided in Section 6, of this Act. Provided, the State Department of Education may grant aid to schools in sparsely settled districts without regard to the number of scholastics or the duration of the term of each school.

SEC. 17. Transfer of Entire District. On the agreement of the board of trustees of the districts concerned or on petition signed by a majority of the qualified voters of the district and subject to the approval of the County Superintendent and State Superintendent, the trustees of a district which may be unable to maintain a satisfactory school may transfer its entire scholastic enrollment, or any number of grades thereof, to a convenient school of higher rank, and in such event, all of the funds of the district, including the State aid to which the district would otherwise be entitled under the provisions of this Act, or such proportionate part thereof as may be necessary, may be used in carrying out said agreement.

SEC. 18. Disbursement. Warrants for all money granted under the provisions of this Act shall be transmitted by the State Superintendent of Public Instruction, when the account for same has been audited by the State Auditor, to Treasurers of Depositories of school districts to which aid is granted in the same manner as warrants for State apportionments are now transmitted and it shall be the duty of all Treasurers of Depositories to make annually itemized reports under oath to the State Superintendent of Public Instruction of the expenditures of all money granted under the provisions of this Act.

SEC. 18a. The State Auditor is hereby instructed to audit such accounts immediately in order that warrants may be transmitted promptly. It is further provided that the sum of Thirty-Six Hundred (\$3,600.00) Dollars is hereby appropriated, from the funds herein appropriated, for the school year ending August 31, 1938, and the sum of Thirty-Six Hundred (\$3,600.00) Dollars for the school year ending August 31, 1939, to be used in defraying expenses of said audit service.

SEC. 19. In counties which constitute a single school district, and in which there is no governing body designated as the County School Board, the duties authorized by this Act to be performed by the County School Board are hereby conferred upon the existing governing bodies of such districts, and all aid shall be granted on the basis of need after proper budgeting, the same as herein provided.

SEC. 20. Miscellaneous Provisions. Rural schools accepting the provisions of this Act shall be entitled to share in the distribution of State and County Available School Funds and in all other school funds in the same manner as all other school districts; and in case high school grades are maintained, the community shall still be entitled to participate in the distribution of any aid that may be extended by the Legislature of Texas for vocational or industrial purposes to high school of the State; provided, however, that no school or school district shall be denied aid for failure or refusal to buy any books, equipment, charts, and/or school supplies offered by any person, firm, or corporation unless the minutes of the State Board of Education of Texas show that said books, equipment, charts, and/or supplies were approved by a unanimous vote of said State Board of Education.

Provided that, if an incorporated city, town or village is levying and collecting taxes for the support or benefit of its municipal school district in an amount not less than provided for in Section 6 of this Act, and/or for interest and sinking funds for bonds or other indebtedness issued or incurred for the direct benefit of such municipal school district, then, in any such event, such taxes so levied and collected by such incorporated city, town or village shall, for the purpose of this Act, be considered as taxes levied and collected by such school district; and providing further that high school tuition of not to exceed Two Dollars and 50/100 (\$2.50) Dollars per scholastic shall be granted for pupils in con-

solidated and rural high school districts composed of not less than three (3) original districts, and whose valuation is less than Fifteen Hundred (\$1,500.00) Dollars per scholastic population, and whose budget shows a need therefor, and that maintains an affiliated high school of not less than sixteen (16) units.

SEC. 21. It shall be the duty of the State Board of Education and the State Superintendent of Public Instruction to pay by warrant not more than Fifty (50%) per cent of the total amount allotted to any one school as an initial payment, and that the remaining payments shall be made on a percentage basis to the schools in such manner and amounts that the total expenditures for any one year shall not exceed the total appropriation for that year.

The State Board of Education and the State Superintendent of Public Instruction are hereby prohibited from paying any one or more schools its or their allotment in an amount greater, on a percentage basis, than is paid any other school. This provision shall apply to all allotments and claims and/or appropriations provided for in this measure.

It is specifically provided herein that the State Board of Education and the State Superintendent of Public Instruction shall not pledge the State nor incur obligations against the Rural Aid Fund in any amount or in any one year in excess of the amount herein appropriated, and it is the sense of the Legislature that the amounts herein appropriated shall be in full of all amounts to be spent for the purposes contemplated by this Act for the period covered by this Act.

SEC. 22. It shall be unlawful for any County School Superintendent or the superintendent of any common or independent school district, school teacher, county trustee and/or district trustees or any other person directly to use or promise to use, pay or promise to pay, any of the funds herein appropriated for the purpose of paying the salary and/or expenses of any person or persons to maintain a lobby for any purpose. Violation of this provision shall forfeit the right or rights of the county or any school district in the county from participating in the funds herein appropriated.

Provided further that no financial aid shall ever be withheld from any school entitled to such aid under the provisions of this bill by virtue of an alleged deficiency in the certificates held by the teaching personnel of any such school on account of and/or by virtue of any regulation of the State Superintendent of Public Instruction, the Department of Education, and/or the Board of Education, unless such rule or regulation is expressly provided by statutes of this State.

Provided that the tax provisions and other inhibition provided in said bill shall not apply to the school where the Alabama Indians attend school in Polk County, Texas.

SEC. 23. Repealing and Constitutional Clauses. All laws or parts of laws in conflict herewith are hereby repealed, and pro-

vided, however, that all provisions of House Bill 327 Acts Regular Session Forty-fourth Legislature not in conflict herewith shall be cumulative of the provisions of this Act, and in the event any provision of this Act is unconstitutional or invalid the remainder of this Act shall, nevertheless, remain in effect.

SEC. 24. Emergency Clause. The fact that many schools are in need of additional aid other than State per capita apportionment and local maintenance, and that public policy requires that proper provision be made for the maintenance and support of the schools with as little delay as possible, and the further fact that considerable time is required in preparation for carrying out the terms of this Act, create an emergency and an imperative public necessity that the Constitutional Rule, requiring bills to be read on three several days, be, and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—S. B. No. 185 passed the Senate, May 13, 1937, by a vote of 28 yeas, 0 nays; passed the House, with amendments, May 20, 1937, by a vote of 125 yeas, 3 nays; Senate refused to accept House amendments, May 21, 1937, and Conference Committee appointed; Senate adopted Conference Committee report, May 22, 1937, by a viva voce vote; House adopted Conference Committee report, May 22, 1937, by a viva voce vote.]

Approved June 9, 1937.
Effective September 1, 1937.

**AUTHORIZING DESIGNATION OF STATE TREASURER AS
FISCAL AGENT OF POLITICAL SUBDIVISIONS
IN PAYMENT OF BONDS AND SIMILAR
OBLIGATIONS.**

S. B. No. 349.] CHAPTER 475.

An Act providing and authorizing that any bonds, interest thereon, or similar obligations, issued by any municipality or political division of the State may be made payable at the office of the State Treasurer, designating and constituting the State Treasurer, Ex-officio Treasurer and fiscal agent of such municipalities and political divisions for such purposes, providing for the deposit and payment of funds by municipalities and political divisions with the State Treasurer for such purposes; providing that the State Treasurer shall cancel and return coupons and bonds that have matured or have been retired by purchase and shall remit balances remaining on hand for two years for which bonds have not been presented for payment; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Any bond, warrant or other evidence of indebtedness issued by any municipality or political subdivision of this